

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:07CR176-P-D

PETER BERNEGGER, ET AL.,

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Peter Bernegger's fourth motion to continue trial [54]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for March 23, 2009. Defense counsel requests a continuance to afford more time to complete inspection of "an extremely large amount of discovery" and to prepare for trial.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from March 23, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial. The time is also excludable as to Defendant Bernegger's co-defendant, Stephen Finch, pursuant to 18 U.S.C. section 3161(h)(7) because the period of delay is reasonable and no motion for severance has been granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant Peter Bernegger's fourth motion to continue trial [54] is **GRANTED**;
 - (2) Trial of this matter is continued **as to both defendants** until Monday, May 11, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
 - (3) The delay from March 23, 2009 to May 11, 2009 is excluded from Speedy Trial Act considerations as set out above;
 - (4) The deadline for filing pretrial motions is April 20, 2009; and
 - (5) The deadline for submitting a plea agreement is April 27, 2009.
- SO ORDERED** this the 5th day of March, A.D., 2009.

/s/ W. Allen Pepper, Jr. _____

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE